

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**COURT RECEIVER'S REPORT NO.649 OF 2015  
IN  
CIVIL APPLICATION NO.3283 OF 1993  
IN  
FIRST APPEAL NO.944 OF 1987**

**The Board of Trustees of the Port of Bombay : Appellant/Applicant  
versus  
Corn Products Company (I) Ltd. : Respondent.**

**Mrs. Preeti Shah a/w Mr. Rohan Pinto i/by Mulla & Mulla and CBC for the  
Appellant/Applicant.  
Mr. M S Deshpande, Court Receiver with Mr. Mandawgade, OSD to Court  
Receiver present.**

**CORAM : R. M. SAVANT, J.  
DATE : 27<sup>th</sup> June 2016**

**P.C.**

1           The above First Appeal has been listed in view of the Court Receiver's Report No.649 of 2015 dated 28/07/2016. By the said report the Court Receiver is seeking direction that the Plaintiff i.e. the Mumbai Port Trust be directed to pay a sum of Rs.28,124/- towards the costs, charges and expenses of the Court Receiver as per the provisional statement of account within the time stipulated by this Court. The Court Receiver is also seeking direction that costs of Rs.3,000/- be awarded for the said report.

2           The original Plaintiff i.e. the Appellant in the above First Appeal Mumbai Port Trust has filed an affidavit in reply to the said Court Receiver's

Report and has questioned the entitlement of the Court Receiver to the amount claimed in the said Court Receiver's Report.

3           In so far as the Court Receiver is concerned, in the First Appeal in question being First Appeal No.944 of 1987, an order came to be passed on 04/08/1994 and the relevant excerpt of the said order reads thus :-

“The Court Receiver, H.C. Bombay is directed to visit old R.R.No.1727 admeasuring 2079 8/9 Sq.M., Sesson Dock Estate, Bombay of appellant and to report the names of parties who are in possession of the same, area acquired by them and their claim regarding possession thereof. The report to be submitted within 3 weeks. S.O. for 4 weeks.”

The Court Receiver accordingly in terms of the said direction submitted the report on 12/09/1994. Hence the Court Receiver was appointed for the limited purpose of submitting a report and that there was no appointment of the Court Receiver to take possession of the property or for any other purpose relating to the said property under Rule 1 of Order XL of the Code of Civil Procedure. Hence once the direction as contained in the order dated 04/08/1994 was complied with, the role of the Court Receiver came to an end. The said First Appeal came to be allowed by a learned Single Judge of this Court by the judgment and order dated 19/04/1995. In view of the fact that the Court Receiver was never appointed on the property in question, there was no question of discharging the Court Receiver. In my view, therefore the claim

made by the Court Receiver vide Report No.649 of 2015 cannot be granted.

The Court Receiver's Report is accordingly disposed of.

**[R.M.SAVANT, J]**